



The Responsibility to Protect the World's Cultural Heritage

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THE FORMATION OF NEW NATION-STATES in the Middle East after the collapse of the Ottoman Empire led to state ownership of the remains of ancient cultures in the region. The new archaeological services and museums were given authority over, and responsibility for, the management and protection of historic and archaeological sites (immovable cultural heritage), as well as important artifacts of a certain age and of presumed importance (movable heritage). By these means, cultural heritage became national property.¹

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The new antiquities laws allowed for the sharing of excavated finds between foreign excavating teams—supported and led by institutions such as the British Museum, the Louvre, the Metropolitan Museum, the Hermitage, the University of Chicago, and the University of Pennsylvania—and national archaeological services and museums. Referred to as *partage*, this resulted in the scientific excavation of sites and international distribution of the finds for further study, research, and conservation.² I have often argued that their distribution is itself a means of conservation, as it distributes the risk that they might be damaged

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or destroyed.³ However, with the hardening of nationalism during the mid-twentieth century, partage was all but stopped, and excavated finds were kept in and by the state as state property, often exploited as instruments of state formation and national identity.⁴

These developments in the management and protection of cultural heritage coincided with the founding of supranational organizations such as the League of Nations and the UN. Both organizations recognized and based their work on the political integrity and sovereignty of the nation-state. Article 10 of the Covenant of the League of Nations declares that “the Members of the League undertake to protect and preserve as against external aggression the territorial integrity and existing political independence of all Members of the League,” and Article 2.1 of the UN Charter proclaims that “the Organization is based on the principle of the sovereign equality of all of its Members.”⁵

Respect for the integrity of national sovereignty also underlines the work of UN organizations, such as—and especially relevant to this article—the Educational, Scientific, and Cultural Organization (UNESCO), whose 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property is the primary instrument for the international protection of cultural heritage. The Convention defines cultural property as that which was “created by the individual or collective genius of nationals of the State concerned, and cultural property of importance to the State concerned created within the territory of that State by foreign nationals

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or stateless persons resident within such territory.”⁶ Additionally, it calls upon the state “to protect the cultural property existing within its territory against the dangers of

theft, clandestine excavation, and illicit export” and declares that “the protection of cultural heritage can be effective only if organized both nationally and internationally among States working in close cooperation.”⁷

Putting aside the legitimacy of the claim that cultural artifacts—especially those made in antiquity and long before the state existed—are created by the collective genius of nationals of the state, one can rightly ask if state sovereignty is the best instrument for the protection of cultural heritage, or “property” as the UNESCO Convention insists on calling it. Sovereignty transforms heritage into property and, as I will argue, when nation-states are embroiled in civil wars or international conflicts, this often puts cultural heritage at grave risk. Let us take the current examples of Syria and Iraq. In October 2006, the Sunni





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insurgency force al-Qaeda in Iraq joined with other groups to form the Islamic State of Iraq. With the outbreak of the Syrian Civil War in 2011, the Islamic State expanded into Syria and changed its name to the Islamic State of Iraq and Syria, or ISIS. The consequences of the rise of ISIS have tested the very concept of sovereignty in Iraq and Syria.

It is common in the West to hear or read of ISIS described as a terrorist group. However, Audrey Kurth Cronin, a professor and specialist in international security at George Mason University, disagreed with this characterization in a March 2015 article in *Foreign Affairs*:

Although it uses terrorism as a tactic, [ISIS] is not really a terrorist organization at all. Terrorist networks, such as al-Qaeda, generally have only dozens or hundreds of members, attack civilians, do not hold territory, and cannot directly confront military forces.⁸

ISIS, on the other hand, boasts some 30,000 fighters, holds territory in both Iraq and Syria, maintains extensive military capabilities, controls lines of communication, commands infrastructure, funds itself, and engages in sophisticated military operations. According to Cronin, if ISIS is purely and simply anything, it is a pseudo-state led by a conventional army with a sophisticated finance model comprising

a wide-ranging extortion racket that targets owners and producers in ISIS territory, taxing everything from small family farms to large enterprises such as cell-phone service providers, water delivery companies, and electric utilities. While the enterprise is so complex that the U.S. Treasury has declined to estimate ISIS's total assets and revenues, ISIS is clearly a highly diversified enterprise whose wealth dwarfs that of any terrorist organization.⁹

Although ISIS may share the appearance and structure of a state ideologically it is an anti-state “where the Arab and non-Arab, the white man and black man, the easterner and westerner are all brothers... Syria is not for Syrians, and Iraq is not for the Iraqis. The earth is Allah’s.”¹⁰ It harkens back to a time before the Sykes-Picot Agreement and the formation of the modern nation-states of Iraq and Syria under British and French mandates following the fall of the Ottoman Empire. In 2014, its leader, Abu Bakr al-Baghdadi, proclaimed ISIS a caliphate and himself its caliph.¹¹

These developments, compounded with internal political disturbances and the involvement of other nations with conflicting agendas (in Syria, these include the United States, Russia, Turkey, and Iran, among others), have tested





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the very viability of Iraq and Syria as sovereign states. Today, it is even difficult to know what “state” and “sovereignty” mean with regard to Iraq and Syria. They are artificial political constructions that have been in near-continuous external and internal conflict, with non-state actors controlling much of their territory and economic resources. As journalists have recently reported, state control over Syria’s “sovereign” territory is now shared with ISIS, which in terms of land area controls perhaps as much territory as the government, the terrorist organization Jabhat al-Nusra, the Kurds, and over 50 rebel groups. In actuality, “Syria is falling apart, as warring groups carve it into de facto fiefs, and it is increasingly hard to see how its disintegration can be reversed.”¹²

HOW HAVE THE UN AND UNESCO RESPONDED TO THE CHAOTIC AND VIOLENT SITUATION IN IRAQ AND SYRIA?

From 17 June 2014 to 12 February 2015, the UN Security Council adopted resolutions affirming the sovereignty and territorial integrity of Syria and Iraq and condemning ISIS and its destruction of cultural heritage. UN Security Council Resolution 2165 (14 July 2014) reaffirmed the United Nations’ “strong commitment to the sovereignty, independence, unity and territorial integrity of Syria, and to the purposes and principles of the Charter of the United Nations.”¹³ UN Security Council Resolution 2170 (15 August 2014) reaffirmed the independence, sovereignty, unity, and territorial integrity of Iraq and strongly condemned

the indiscriminate killing and deliberate targeting of civilians... persecution of individuals and entire communities on the basis of their religion or belief...destruction of cultural and religious sites and obstructing the exercise of economic, social and cultural rights, including the right to education.¹⁴

UN Security Council Resolution 2199 (12 February 2015) condemned the destruction of cultural heritage in Iraq and Syria and noted that ISIS and others are

generating income from engaging directly or indirectly in the looting and smuggling of cultural heritage items from archaeological sites, museums, libraries, archives, and other sites in Iraq and Syria, which is being used to support [ISIS and ANF’s] recruitment efforts and strengthen their operational capability to organize and carry out terrorist attacks.¹⁵





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Finally, UN General Assembly Resolution 2199 (28 May 2015) unanimously called for an immediate halt to the destruction of the cultural heritage of Iraq, including religious sites or objects, and urged the preservation of the cultural heritage of Iraq by protecting cultural and religious properties and sites, consistent with international humanitarian law. Also, it stressed that the perpetrators of such attacks against buildings dedicated to religion, education, art, science, or charitable purposes will be held accountable.¹⁶

To date, the UN's response to ISIS's attacks on individuals and categories of people, as well as on cultural heritage sites, monuments, and artifacts has entailed resolutions that:

- (1) Respect the sovereignty, independence, unity, and territorial integrity of the nation-state;
- (2) Condemn ISIS for its destruction of Iraqi and Syrian cultural heritage;
- (3) Prohibit the use of funds to directly or indirectly benefit ISIS;
- (4) Hold all parties accountable to the relevant provisions of international law;
- (5) Demand that all United Nations member states take appropriate steps to prevent trade in Iraqi and Syrian cultural heritage;
- (6) Call on UNESCO and Interpol to assist in this effort; and
- (7) Counter extremism and intolerance within the countries through education and the strengthening of civil society.¹⁷

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On 3 December 2014, UNESCO held an international conference on Heritage and Cultural Diversity at Risk in Iraq and Syria.¹⁸ It called for the implementation of the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, which, among other things, obligates its nation-state signatories to:

- (1) Prevent the exportation of cultural property from a territory occupied by them during an armed conflict;
- (2) Take into its custody cultural property imported into its territory either directly or indirectly from any occupied territory;
- (3) Return such cultural property at the close of hostilities to the competent authorities of the territory previously occupied; and
- (4) Pay an indemnity to the holders in good faith of any cultural property which has to be returned in accordance.¹⁹

Like the UN and UNESCO, The Hague Convention of 1954 was conceived in the aftermath of World War II. It is therefore unclear how its guidelines apply to the cases of Iraq and Syria, with so many non-state parties active and controlling





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substantial areas within their national borders. The same is true of the Second Protocol to The Hague Convention of 1999.²⁰ It calls upon state parties or signatories to the Convention—Syria has signed while Iraq has not—to take measures for safeguarding cultural property in times of peace. It allows waivers on the

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basis of “imperative military necessity” when “no choice is possible between such use of the cultural property and another feasible method for obtaining a similar military advantage.” It forbids any “illicit export, other removal or

transfer of ownership of cultural property.”²¹ It also defines the terms for placing cultural property under enhanced protection: if (a) it is cultural heritage of the greatest importance to humanity; (b) it is protected by adequate domestic legal and administrative measures recognizing its exceptional cultural and historic value and ensuring the highest level of protection; and if (c) it is not used for military purposes or to shield military sites and a declaration has been made by the party that has control over the cultural property, confirming that it will not be so used.²² To receive such enhanced protection, the party that has jurisdiction or control over the property must request it by submitting a list of cultural properties for which it intends to request the granting of enhanced protection. However, other parties, such as the International Committee of the Blue Shield and other non-governmental organizations with “relevant” expertise, may also recommend specific cultural property to the Committee for enhanced protection.

Regardless of the Convention’s good intentions, given the chaos and existential threats the two nations currently face, it is difficult to imagine Iraq and Syria filling out the forms and making the case for enhanced protection of the many cultural heritage sites and monuments within their jurisdiction. It is equally difficult to imagine ISIS intimidated or rebuffed by such enhanced protection if it were provided to Iraq and Syria.

There is also the 1998 Rome Statute of the International Criminal Court (ICC), which makes clear in its preamble that “all peoples are united by common bonds, their cultures pieced together in a shared heritage” and that “it is the duty of every State to exercise its criminal jurisdiction over those responsible for international crimes.”²³ It also reaffirms the Purposes and Principles of the Charter of the UN, “in particular that all States shall refrain from the threat or use of force against the territorial integrity or political independence of any





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State,” and emphasizes “that nothing in the Statute can be taken as authorizing any state party to intervene in an armed conflict or internal affairs of any State.”²⁴ It then includes among its definitions of a war crime “intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives.” Iraq is a signatory to the Statute, but Syria is not.²⁵

WHAT MORE CAN THE INTERNATIONAL COMMUNITY DO TO PROTECT CULTURAL HERITAGE WHEN THE PRINCIPLE OF STATE SOVEREIGNTY IS THE BASIS FOR ITS ORGANIZATION AND ACTION?

The ICC recently convicted Ahmad al-Faqi al-Mahdi, a member of a jihadist group linked to al-Qaeda, of taking part in damaging centuries-old mud and stone buildings in Timbuktu that held the tombs of holy men and scholars.²⁶ Much was made of this incident, in part because it was the ICC’s first prosecution of the destruction of cultural heritage as a war crime. However, legal scholars warn that this does not mean that other prosecutions will easily follow. In this singular instance to date, the perpetrator, al-Mahdi, was apprehended and turned over to the ICC for prosecution since Mali is party to the Rome Statute. Additionally, there was evidence of his committing the crime: video footage of al-Mahdi directing the attacks on the buildings and bragging about it afterwards.²⁷ Neither Iraq nor Syria is party to the ICC, putting in doubt the possibility of similar prosecutions taking place in those countries.

In the *New York Review of Books*, Hugh Eakin wrote of the difficulties facing international responses to threats against cultural heritage in Iraq and Syria.²⁸ To date, they have been mainly confined to assessing damage that has already taken place, reconstructing and even reproducing damaged sculptures and buildings, or dealing with situations that others have exploited for political purposes. Such exploitation occurred, for example, when the Russian government flew one hundred Moscow-based international reporters into Palmyra after it was reconquered by the Assad regime to report on St. Petersburg’s Mariinsky Orchestra performing Prokofiev’s First Symphony in the Roman amphitheater.²⁹

Eakin also wrote of the opportunities that the international community has missed to closely work with and support local authorities in protecting cultural heritage that is at risk, citing numerous instances when local activists encased threatened objects in protective glue and sheeting and covered them in sandbags. He cited Cheikmous Ali, a Syrian archaeologist, who said that “there are many



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sites that are threatened and urgently in need of protection—and Syrians, some of them deep in ISIS areas, are struggling to do what they can.”³⁰ He is right. Any international response must include these three tactics: intervening in conflict zones before damage and destruction have taken place; engaging and supporting local authorities in the protection of sites and heritage; and avoiding symbolic gestures in favor of real, concrete measures. But for this strategy to succeed, it must include something more: a broad legal and diplomatic framework that draws upon precedents to which the international community is committed.

The relevant such framework is the Responsibility to Protect (R2P), described by the UN and presented by the International Commission on Intervention and State Sovereignty in its December 2001 report. It was adopted by all members of the UN General Assembly at the 2005 World Summit. R2P says that:

The duty to prevent and halt genocide and mass atrocities lies first and foremost with the State, but the international community has a role that cannot be blocked by the invocation of sovereignty. Sovereignty no longer exclusively protects States from foreign interference; it is a charge of responsibility where States are accountable for the welfare of their people. This principle is enshrined in article 1 of the Genocide Convention and embodied in the principle of “sovereignty as responsibility” and in the concept of the Responsibility to Protect.³¹

The R2P framework is based on three pillars of responsibility:

- (1) The state carries the primary responsibility for protecting populations from genocide, war crimes, crimes against humanity and ethnic cleansing, and their incitement;
- (2) The international community has a responsibility to encourage and assist States in fulfilling this responsibility; and
- (3) The international community has a responsibility to use appropriate diplomatic, humanitarian and other means to protect populations from these crimes. If a State is manifestly failing to protect its populations, the international community must be prepared to take collective action to protect populations, in accordance with the Charter of the United Nations.³²

The scope of R2P was refined at the 2005 World Summit to focus on four crimes—genocide, war crimes, ethnic cleansing, and crimes against humanity—and Secretary-General Ban Ki-moon’s 2009 Report on the Responsibility to Protect warned that to extend it to other calamities such as HIV/AIDS, climate change, or the response to natural disasters “would undermine the 2005 consensus and stretch the concept beyond recognition or operational utility.”³³

In 2011, Libya became the first case in which the UN Security Council





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authorized military intervention citing R2P, based on language used by Muammar el-Qaddafi that was interpreted as threatening and legitimizing genocide. In Resolution 1973, adopted on 17 March 2011, the Security Council demanded an immediate ceasefire in Libya, including attacks on civilians that might be seen to constitute “crimes against humanity.”³⁴ The Council authorized member states to take “all necessary measures” to protect citizens under threat of attack, but did not allow foreign occupation forces to enter any part of Libyan territory. A few days later, NATO planes struck el-Qaddafi’s forces.³⁵

R2P has been criticized for infringing upon national sovereignty. Advocates for R2P counter that the only time the international community will intervene in a state without its consent is when the state is no longer upholding its responsibilities as a sovereign. Needless to say, R2P is open to interpretation on its terms. But the simple fact that it has been adopted by the UN General Assembly means that there is consensus that sovereignty alone does not justify a state failing to meet its responsibility to protect its citizens or subjects.

It is on the basis of the R2P framework that the American Academy of Arts and Sciences and the J. Paul Getty Trust are working together to explore how R2P might be applied to the protection of cultural heritage. International experts, some with knowledge of the original R2P discussions and UN debates, met in London in November 2016 to explore the broader application of R2P.

The question is simple: if states have the obligation to protect the cultural heritage within their borders, as the UN has repeatedly said that they do, what responsibility does the international community have when the state is unable or unwilling to exercise that obligation? This question derives from the language the UN has used when describing cultural heritage as state property and when calling upon the state to fulfill its obligations to protect such property, not only for the sake of the state, but also for that of humankind at large.

Recall that the scope of R2P was refined to address crimes of genocide, war crimes, ethnic cleansing, and crimes against humanity. UNESCO Director-General Irina Bokova has employed the following language to describe the destruction of cultural heritage:

On 14 June 2015, she called upon the world to see ISIS’s destruction of cultural heritage as acts of “cultural cleansing,” of a kind with deliberate attacks

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against civilians and ethnic and cultural minorities—“murder and destruction of culture are inherently linked.”³⁶

On 17 June 2014, she called “on all Iraqis to stand united for the protection of their country’s cultural heritage,” which she also declared to be a “unique testimony of humanity, of the origins of our civilization, and of our inter-ethnic and inter-religious coexistence. It is also a key to resilience for building a better future.”³⁷

On 22 September 2014 at New York’s Metropolitan Museum of Art, she called the destruction of cultural heritage “cultural cleansing,” “cultural eradication,” and “cultural looting;” and she emphasized that “protecting heritage must be an integral part of all peace building.” She stated that “saving the past of Iraq and Syria is essential to saving our collective future,” that “to build peace tomorrow, we need to safeguard today [Iraq’s and Syria’s] heritage of diversity and tolerance—to prepare the ground for reconciliation;” and that the “destruction of cultural heritage is a crime against humanity.”³⁸

On 2 April 2015, she called on all Syrians to “unite for the protection of their shared cultural heritage. This heritage belongs to all Syrians and to all humanity. I call on all parties to refrain from using cultural heritage sites for military purposes and to protect them against any possibly destruction resulting from fighting.”³⁹

I have proposed a “Five Point Proposal for the Protection of Cultural Heritage in Iraq and Syria,” which consists of the following:

- (1) Embrace and participate in a military, Blue Helmet option to protect built heritage in the region;
- (2) Support the vigilant policing of the region’s political borders to discourage the illicit export and import of cultural heritage artifacts;
- (3) Encourage “safe harbor” protection of heritage artifacts in circulation outside their likely modern country of origin to be returned once stability in the region has been restored;
- (4) Restore *partage* to promote the scientific excavation of ancient sites, share the resulting finds with a global community, and broadly distribute the risk to their physical integrity through accident or intentional theft or destruction; and
- (5) Promote greater transnational cultural understanding of cultural identity.⁴⁰

None of this would have the collective force that a R2P framework for the protection of the world’s cultural heritage would have, and that is why the American Academy and Getty Trust are working to explore the applicability of an R2P to cultural heritage. Given the recent Brexit vote and the populist outcry against






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political elites and supranational institutions that it seems to have represented, the obstacles are many and the timing is right.

It is not only a matter of how we might restore the damage done to the cultural property of Syria and Iraq; it is, more importantly, also about how we can prevent such damage from happening to the world's cultural heritage wherever and under whosever authority it may now reside. It is also how we work together to build a common regard for cultural heritage as not one or another nation's cultural property to be used and misused for modern nationalist purposes, but instead as belonging to all of humanity and in which everyone has a collective stake in its preservation. In the words of UNESCO's Director-General:

We must respond [to the destruction of cultural heritage] by showing that exchange and dialogue between cultures is the driving force for all. We must respond by showing that diversity has always been and remains today a strength for all societies. We must respond by standing up against forces of fragmentation, by refusing to be divided into "us" and "them." We must respond by claiming our cultural heritage as the commonwealth of all humanity.⁴¹

Only then will the ideals of UNESCO—as put forward in the Charter of the UN: "to contribute to peace and security by promoting collaboration among nations to further universal respect for justice, the rule of law, and human rights without distinction of race, sex, language or religion"—be realized.⁴² 

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NOTES

1. See: James Cuno, *Who Owns Antiquity? Museums and the Battle Over Our Ancient Heritage* (Princeton: Princeton University Press, 2008), 53–66.

2. As an example, Article 22 of the 1924 Iraqi law stipulated that "at the close of excavations, the Director shall choose such objects from among those found as are in his opinion needed for scientific completeness of the Iraq Museum. After separating these objects, the Director will assign [to the excavator]...such objects as will reward him adequately aiming as far as possible at giving such a person a representative share of the whole result of excavations made by him." See: Cuno, *Who Owns Antiquity*, 55.

3. *Ibid.*, 13–14.

4. *Ibid.*, 53–62.

5. League of Nations General Assembly, "Covenant of the League of Nations," June 28, 1919; UN General Assembly, "Charter of the United Nations," June 26, 1945.

6. UNESCO, "1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property," November 14, 1970.

7. *Ibid.*

8. Audrey Kurth Cronin, "ISIS is not a Terrorist Group," *Foreign Affairs* (March/April 2015).

9. *Ibid.*

10. For quote, see: Patrick Cockburn, *The Rise of Islamic State: ISIS and the New Sunni Revolution* (New York: Verso Books, 2015), xi.

11. James Cuno, "ISIS and the Threat to Our Cultural Heritage: What Can the World Do? A Five





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Point Proposal" (The Eighteenth Horst Gerson Lecture, University of Groningen, October 8, 2015), 8.

12. "Drawing in the Neighbors," *Economist*, July 4, 2015, 39–40; Anne Barnard, "Syria is Disintegrating into Fragmented Parts under Pressure of War," *New York Times*, July 16, 2015.

13. UN Security Council, Resolution 2165, July 14, 2014.

14. UN Security Council, Resolution 2170, August 15, 2014; "Security Council Adopts Resolution 2170 (2014) Condemning Gross, Widespread Abuse of Human Rights by Extremist Groups in Iraq, Syria," United Nations, <http://www.un.org/press/en/2014/sc11520.doc.htm>.

15. UN Security Council, Resolution 2199, February 12, 2015; James Cuno, "ISIS and the Threat to Our Cultural Heritage," 12–13.

16. *Ibid.*

17. These UN resolutions stimulated and authorized UNESCO and non-governmental organizations to initiate programs intent on preserving and protecting the region's cultural heritage from further damage and destruction. For example, the Emergency Safeguarding of the Syrian Cultural Heritage initiative, launched on March 1, 2014 and funded for three years by the European Union with the support of the Flemish government and in collaboration with UNESCO, seeks "to contribute to restoring social cohesion, stability and sustainable development through the protection and safeguarding of cultural heritage." The initiative is taking a three-pronged approach: (1) "Monitor and assess the cultural heritage in Syria through updates and continued knowledge and documentation of the establishment of an International Observatory of Syrian Cultural Heritage" (an online platform to provide information on damages and looting of sites and structures, and a database of experts and documentation on cultural heritage in Syria); (2) "Mitigate the destruction and loss of Syrian cultural heritage through national and international awareness-raising efforts" via national media and social networks, video clips, and an episode of "Patrimonto's World Heritage Adventures" in Syria; and (3) "Protect and safeguard Syrian cultural heritage through enhanced technical assistance and capacity building for national stakeholders and beneficiaries." The third effort includes providing technical support for the establishment of a police database of looted artifacts, training police forces and custom officers in Syria and adjacent countries to fight illicit trafficking of cultural property, and training "national stakeholders" to protect portable heritage and museums during and after the conflict, to protect and conserve built cultural heritage, and to create inventories of intangible cultural heritage. See: UN website, www.unesco.org; With the support of the U.S. Department of State, the American Schools of Oriental Research is documenting, monitoring, and reporting on cultural heritage damage in Syria by building a comprehensive map and inventory of cultural heritage utilizing satellite imagery developed by the Getty Conservation Institute and World Monuments Fund to monitor and document sites remotely. See: U.S. Department of State, <http://www.state.gov>. Additionally, the University of Pennsylvania Cultural Heritage Center's Safeguarding the Heritage of Syria Initiative is developing "specific interventions that enhance the ability to protect Syria's cultural heritage, in large measure by empowering the Syrians to preserve their own heritage." The Cultural Heritage Center is also working with Washington's Smithsonian Institution and Syria's Interim Government's Heritage Task Force to develop training projects on safeguarding museum, library, and archaeological site collections that are at "extreme risk." See: Penn Cultural Heritage Center, <http://www.pennchc.org>. For additional projects dedicated to protecting cultural heritage in Syria, see: Sandra Roorda, "Syria's Cultural Heritage in Danger: What Can We Do?," *SAFE: Saving Antiquities for Everyone*, October 21, 2013.

18. "UNESCO Conference calls for Protected Cultural Zones to be Established Syria and Iraq," *UNESCO*, December 3, 2014, whc.unesco.org.

19. UNESCO General Assembly of State Parties, Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, First Protocol, May 14, 1954.

20. UNESCO General Assembly of State Parties, Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, Second Protocol, March 26, 1999.

21. *Ibid.*, Article 9; According to Article 6, the decision to "invoke military necessity" can only be made by "an officer commanding a force equivalent of a battalion in size or larger, or a force smaller in size where circumstances do not permit otherwise;" these are distinctions that are hardly relevant in the fight against ISIS.





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22. Ibid.
23. UN General Assembly, "Rome Statute of the International Criminal Court," July 17, 1998.
24. "United Nations Office of Legal Affairs," *United Nations*, <http://legal.un.org/>.
25. UN General Assembly, "Rome Statute of the International Criminal Court," article 8, b, ix; James Cuno, "ISIS and the Threat to Our Cultural Heritage," 16–17.
26. See: Marlise Simons, "Extremist Pleads Guilty to Destroying Cultural Sites in Mali," *New York Times*, August 23, 2016.
27. See: "International Criminal Court Brings a Cultural Vandal to Justice," *PBS Newshour*, August 22, 2016.
28. Hugh Eakin, "Ancient Syrian Sites: A Different Story of Destruction," *New York Review of Books*, September 29, 2016, 58–61.
29. The *New York Times* reported on the performance and interpreted it as an attempt "to underscore what Russia sees as its underappreciated role in helping Syrian forces liberate Palmyra from zealots and fighting on the side of civilization against barbarism." See: Andrew E. Kramer and Andrew Higgins, "In Syria, Russia Plays Bach Where ISIS Executed 25," *New York Times*, May 5, 2016.
30. For quote, see: Eakin, "Ancient Syrian Sites."
31. Office of the Special Adviser on the Prevention of Genocide, "The Responsibility to Protect," United Nations, <http://www.un.org/en/preventgenocide/rwanda/about/bgresponsibility.shtml>; also, see: International Commission on Intervention and State Sovereignty, *The Responsibility to Protect* (Ottawa: International Development Research Centre, 2001); United Nations, *A More Secure World: On Shared Responsibilities: Report of the Secretary General's High-Level Panel on Threats, Challenges and Changes* (New York: United Nations, 2009); UN General Assembly, Resolution 60/1, "Resolution on the responsibility to protect," October 24, 2015; UN Security Council, Resolution 1674, April 28, 2006.
32. Ibid.
33. Ban Ki-Moon, *Implementing the responsibility to protect: Report of the Secretary-General* (Geneva: United Nations, 2009).
34. UN Security Council, Resolution 1973, March 17, 2011.
35. "Background Information on the Responsibility to Protect—Outreach Programme on the Rwanda Genocide and the United Nations," United Nations, <http://www.un.org/en/preventgenocide/rwanda/about/bgresponsibility.shtml>. NATO subsequently came under scrutiny as intervention quickly transitioned to "regime-change" and allegations that aerial bombardments might have caused civilian casualties. "Crisis in Libya," International Coalition for the Responsibility to Protect, <http://www.responsibilitytoprotect.org/index.php/crises/crisis-in-libya>.
36. Irina Bokova, "Artifact Destruction a Security Issue," *CNN*, March 7, 2015.
37. "The Director-General of UNESCO Irina Bokova calls on Iraqis to Stand United and Protect their Cultural Heritage," UNESCO, <http://en.unesco.org/news/director-general-unesco-irina-bokova-calls-iraqis-stand-united-around-their-cultural-heritage>; James Cuno, "ISIS and the Threat to Our Cultural Heritage," 6, 14–15.
38. Bureau of Educational and Cultural Affairs, "Secretary of State Kerry and Director General Bokova Call for End to Cultural Destruction in Iraq and Syria," http://www.unesco.org/new/en/media-services/single-view/news/state_secretary_kerry_and_director_general_bokova_call_for_end_to_cultural_destruction_in_iraq_and_syria/#.V9nmCdIrLq4.
39. "The Director-General of UNESCO calls for all Syrians to commit to the safeguarding of cultural heritage in Bosra and Idlib," UNESCO, <http://whc.unesco.org/en/news/1257>.
40. See: James Cuno, "Isis and the Threat to our Cultural Heritage."
41. "UNESCO Director-General Condemns Destruction at Nimrud," <http://en.unesco.org/news/unesco-director-general-condemns-destruction-nimrud>.
42. UNESCO General Assembly of State Parties, Legal Instruments, UNESCO Constitution, "Covenant of the League of Nations," November 16, 1945.

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